

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Edward A. Hubbard	Art Unit :	2152
Serial No. :	09/834,785	Examiner :	Dalencourt, Yves
Filed :	April 13, 2001	Conf. No. :	8392
Title :	SOFTWARE-BASED NETWORK ATTACHED STORAGE SERVICES HOSTED ON MASSIVELY DISTRIBUTED PARALLEL COMPUTING NETWORKS		

**MAIL STOP PETITIONS**

**Attention: Tech Center 2152**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Under 37 CFR §§1.8(b) and 1.181(a), applicant hereby petitions to withdraw the Notice of Abandonment mailed December 26, 2006 (copy enclosed). The application was abandoned because the Patent and Trademark Office records indicate that the issue fee was not paid. The Notice of Allowance and Fee(s) Due was not received by the Attorney of Record.

The Notice of Abandonment was issued on December 26, 2007; this Petition is being timely filed prior to the February 26, 2007 two month due date.

1. The undersigned Attorney of Record states that the Notice of Allowance and Fee(s) Due was not received by the practitioner.
2. A search of the file jacket and docket records indicates that the Office communication was not received.
3. Attached as Exhibit A is a docket sheet dated April 28, 2006 showing that the Response to Supplemental Examiner's Answer was filed on April 13, 2006
4. Attached as Exhibit B is a docket sheet dated January 5, 2007 showing receipt and docketing of the Notice of Abandonment and confirming that the Notice of Allowance was not received.
5. The address to which the Notice of Allowance and Fee(s) Due was sent was an effective address for Winstead Sechrest & Minick at the time the document was mailed.
6. After transfer of this file to Fish & Richardson P.C., a copy of the Notice of Allowance and Fee(s) Due was retrieved from the public PAIR system.


7. Attached hereto is the Issue Fee Payment.
8. Attached hereto is a Change of Correspondence Address signed by the Attorney of Record.

Applicant hereby submits that the Notice of Allowance and Fee(s) Due was not received by the Attorney of Record. Pursuant to MPEP 711.03(c)(1)(A), all requirements for this Petition to Withdraw Holding of Abandonment have been met. Accordingly, Applicant requests that the Abandonment of this application be withdrawn. In order to expedite the issuance of this patent, Applicant has herewith paid the issue fee.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Feb. 23, 2007

  
\_\_\_\_\_  
Kelly K. Kordzik  
Reg. No. 36,571

Fish & Richardson P.C.  
1717 Main Street  
Suite 5000  
Dallas, Texas 75201  
Telephone: 512.226.8148  
Facsimile: 877.769.7945



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
Division of Patent and Trademark Office  
Address: DESIGNER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22304-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/034,783	04/13/2001	Edward A. Hubbard	UNITD-021	6391

23448 7596 11/26/2006  
WINSTEAD SECHREST & MINICK P.C.  
PO BOX 50784  
DALLAS, TX 75201

EXAMINER  
DALECHUKY, YVES

ART UNIT	PAPER NUMBER
2157	

MAIL DATE	DELIVERY MODE
12/26/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

# **Notice of Abandonment**

Application No.

09/834,785

Examiner

DALENCOURT, YVES

Applicant(s)

Edward A. Hubbard

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.95(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.
 

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Patitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**WINSTEAD**Patent: 40988/P001P9, United States, Regular, National,  
Continuation-In-Part**Patent Data**

Docket Number	40988/P001P9	Attorney	Kelly K. Kurdzik
Country	United States	Attorney 2	Richard Frankeny
Case Type	Regular	Attorney 3	
Relation Type	Continuation-In-Part	Agent	
Filing Type	National	Agent Ref No	
Filing Number		Client/Division	United Devices, Inc.
Status	Filed	Owner/Proprietor	United Devices, Inc.
Sub Status		Previous Owner	
Sub Status Date		Client Reference1	UNTD: 021
First Filing Date	3/30/2000	Client Reference2	UNTD: 021
Parent Country	United States	CPA Reference	
Parent Number	09/538543	Ind. Claims/Designs	2
Parent Filing Date	3/30/2000	Total Claims	28
Parent Grant Date		TotalClasses	
Application Number	09/834785	ConfirmationNumber	8392
Application Date	4/13/2001	Deed Date	5/1/2001
Publication Number		Recordal Date	7/23/2001
Publication Date		Reel/Frame	012004/0544
Patent Number		Effective Date	5/1/2001
Grant Date		File Location	Austin
Tax Base Date		Historic Date	
Next Tax Date		Assigned	Assignment Recorded
Expiration Date		Convention Type	

**Title**

Software Based Network Attached Storage Services Hosted on Massively Distributed Parallel Computing Networks

**Description**

Supplemental IDS filed on 02/13/03, 06/10/03

**Other Case-Related Information****Actions**

Action	Action Due Date	Deadline Date	Completed Date	Action Notes	Responsible Atty #2	Responsible Atty #1
No Foreign Filing	4/13/2001		4/13/2001			
Notice Of Missing Parts Mail D	7/11/2001		7/16/2001			
Additional Document Due	7/11/2001		7/11/2001	Filing Receipt		
Assignment	7/16/2001		7/16/2001			
IDS Filed	12/18/2001		12/18/2001	Supplemental IDS filed on 02/13/03, 06/10/03		
Power of Attorney	8/15/2003		8/15/2003	PC dated 8/18/03 rec'd 8/25/03		
Additional Document Due	4/6/2004		12/10/2003	Status Inq. Resp. from PTO; Status Req. filed 10/6/03 PC dated 10/08/03 rec'd 10/20/03; Resp. states will be 15 months from this date before OA is rec'd		
Additional Document Due	6/18/2004		12/31/2003	Not. of Accept of POA filed 12/18/03; PC dated 12/22/03 rec'd 1/2/04		
1st Office Action	9/3/2004		9/3/2004			
Response first OA - 1st	1/3/2005		1/3/2005	PC dated 1/6/05 rec'd 1/11/05		



extension				
Final Rejection Mail Date	4/20/2005	4/20/2005		
Response to proforma advisory a	6/20/2005	7/18/2005	Claims 29-54 rejected	
Final rejection due	7/20/2005	7/18/2005		
Appeal due	7/20/2005	7/18/2005	PC dated 7/21/05 rec'd 7/27/05	
Final rejection - 1st extension	8/20/2005	8/20/2005		Richard Frankeny
Appeal due - 1st extension	8/20/2005	8/20/2005	NOT FILED	Richard Frankeny
Notice of Appeal	8/23/2005	8/25/2005		Richard Frankeny
Final rejection - 2nd extension	9/20/2005	8/25/2005	8/16/2005-Advisory Action	Richard Frankeny
Appeal due - 2nd extension	9/20/2005	8/25/2005	PC dated 8/29/05 rec'd 9/9/05	Richard Frankeny
Appeal Brief	10/25/2005	9/22/2005	PC stamped 9/26/05; rec'd 10/3/05	Richard Frankeny
Supplemental examiner's answer	12/16/2005	12/16/2005		Richard Frankeny
Supplemental reply brief	2/16/2006	3/16/2006	NOT FILED	
Resp Supp Examiner's Answer	3/16/2006	3/16/2006	EXTENDED	Richard Frankeny
Additional Document Due	3/22/2006	12/16/2005	Examiner's Answer	Richard Frankeny
Resp Supp Examiner's Answer - 1st Ext	4/16/2006	4/13/2006	PC stamped 4/18/06; rec'd 4/28/06	Richard Frankeny
Resp Supp Examiner's Answer - 2nd ext	5/16/2006	4/13/2006		Richard Frankeny
Resp Supp Examiner's Answer - final deadline	6/16/2006	4/13/2006		Richard Frankeny
Status Check/ Follow Up	10/13/2006		Resp to Suppl Examiner's Answer filed; awtg OA	Richard Frankeny

## Inventors

Assignment Date Inventor  
Hubbard, Edward A.

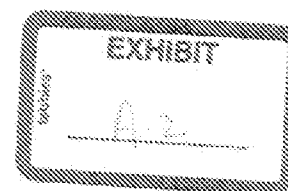
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CreateDate: 8/13/2003

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UpdateUser: IP\_KT

UpdateDate: 4/28/2006



**WINSTEAD**Patent: 40988/P001P9, United States, Regular, National,  
Continuation-In-Part**Patent Data**

Docket Number	40988/P001P9	Attorney	Richard Frankeny
Country	United States	Attorney 2	Robert A. Voigt, Jr.
Case Type	Regular	Attorney 3	
Relation Type	Continuation-In-Part	Agent	
Filing Type	National	Agent Ref No	
Filing Number		Client/Division	United Devices, Inc.
Status	Filed	Owner/Proprietor	United Devices, Inc.
Sub Status		Previous Owner	
Sub Status Date		Client Reference1	UNTD: 021
First Filing Date	3/30/2000	Client Reference2	UNTD: 021
Parent Country	United States	CPA Reference	
Parent Number	09/538543	Ind. Claims/Designs	2
Parent Filing Date	3/30/2000	Total Claims	28
Parent Grant Date		Total Classes	
Application Number	09/834785	Confirmation Number	8392
Application Date	4/13/2001	Deed Date	5/1/2001
Publication Number		Recordal Date	7/23/2001
Publication Date		Reel/Frame	032004/0544
Patent Number		Effective Date	5/1/2001
Grant Date		File Location	Austin
Tax Base Date		Historic Date	
Next Tax Date		Assigned	Assignment Recorded
Expiration Date		Convention Type	

**Title**

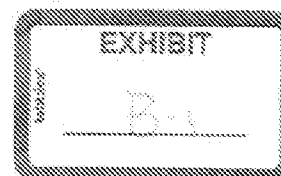
Software Based Network Attached Storage Services Hosted on Massively Distributed Parallel Computing Networks.

**Description**

Supplemental IDS filed on 02/13/03, 06/10/03

**Other Case-Related Information****Actions**

Action	Action Due Date	Deadline Date	Completed Date	Action Notes	Responsible Atty #2	Responsible Atty #3
No Foreign Filing	4/13/2001		4/13/2001			
Notice Of Missing Parts Mail G	7/11/2001		7/16/2001			
Additional Document Due Assignment	7/11/2001 7/16/2001		7/11/2001 7/16/2001	Filing Receipt		
IDS Filed	12/18/2001		12/18/2001	Supplemental IDS filed on 02/13/03, 06/10/03		
Power of Attorney	8/15/2003		8/15/2003	PC dated 8/18/03 rec'd 8/25/03		
Additional Document Due	4/6/2004		12/10/2003	Status Inq. Resp. from PTO; Status Req. filed 10/6/03 PC dated 10/08/03 rec'd 10/20/03; Resp. states will be 15 months from this date before OA is rec'd		
Additional Document Due	6/18/2004		12/31/2003	Not. of Accept of PGA filed 12/18/03; PC dated		



1st Office Action	9/3/2004	9/3/2004	12/22/03 rec'd 1/2/04	
Response first OA - 1st extension	1/3/2005	1/3/2005	PC dated 1/6/05 rec'd 1/11/05	
Final Rejection Mail Date	4/20/2005	4/20/2005		
Response to provoke advisory a	6/20/2005	7/18/2005	Claims 29-54 rejected	
Final rejection due	7/20/2005	7/18/2005		
Appeal due	7/20/2005	7/18/2005	PC dated 7/21/05 rec'd 7/27/05	
Final rejection - 1st extension	8/20/2005	8/20/2005		Richard Frankeny
Appeal due - 1st extension	8/20/2005	8/20/2005	NOT FILED	Richard Frankeny
Notice of Appeal	8/25/2005	8/25/2005		Richard Frankeny
Final rejection - 2nd extension	9/20/2005	8/25/2005	8/16/2005-Advisory Action	Richard Frankeny
Appeal due - 2nd extension	9/20/2005	8/25/2005	PC dated 8/29/05 rec'd 9/9/05	Richard Frankeny
Appeal Brief	10/25/2005	9/22/2005	PC stamped 9/26/05; rec'd 10/3/05	Richard Frankeny
Supplemental examiner's answer	12/16/2005	12/16/2005		Richard Frankeny
Supplemental reply brief	2/16/2006	2/16/2006	NOT FILED.	Richard Frankeny
Resp Supp Examiner's Answer	3/16/2006	3/16/2006	EXTENDED.	Richard Frankeny
Additional Document Due	3/22/2006	12/16/2005	Examiner's Answer.	Richard Frankeny
Resp Supp Examiner's Answer - 1st Ext	4/16/2006	4/13/2006	PC stamped 4/18/06; rec'd 4/28/06	Richard Frankeny
Resp Supp Examiner's Answer - 2nd Ext	5/16/2006	4/13/2006		Richard Frankeny
Resp Supp Examiner's Answer - final deadline	6/16/2006	4/13/2006		Richard Frankeny
Status Check/ Follow Up	10/13/2006	12/26/2006	12/26/06 - Not of Abandonment rec'd for failure to pay issue fee; NOA issued on 7/25/06 not rec'd in docketing.	Robert A. Voigt, Jr.
Notice of abandonment	12/26/2006	12/26/2006	Resp to Suppl Examiner's Answer filed; awtg OA.	
Petition to Revive Due	2/26/2007		Failure to pay Issue Fee.	

## Inventors

Assignment Data Inventor  
Hubbard, Edward A.

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CreateDate: 8/13/2003

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UpdateUser: IP\_RT

UpdateDate: 1/5/2007

